

3. The first line of the second paragraph on page 4 of the Summary of the Invention states, "The preferred embodiment uses a flannel type of material for the heat resistant liner, although other materials such as plastics, metal, and fabrics could be used which protect from abrasion, are heat resistant, and will not readily transmit heat from the cooling iron."

4. The first line of the Summary of the Invention, states, "The invention comprises an iron cover having a padded bottom covered by a flexible non-transmitting heat resistant liner shaped to fit over and cover the sole of a ski wax iron."

Applicant specifically incorporated in Claims 1, 3, and 5 the language "non-transmitting heat resistant liner" to connote a thermal resistant liner iron cover, which does not transmit heat therethrough to damage articles stored along with the covered heated iron. This claim language was selected to avoid any confusion caused by use of the isolated term "heat resistant", which could either mean "a material resistant to thermal damage" or "thermal transfer resistance to prevent heat from flowing through the material".

A non-transmitting heat resistant liner was therefore contemplated from Applicant's initial disclosure and was used to describe a liner covering a cooling iron, which prevents thermal transfer of heat through the liner causing damage to objects stored therewith. The reason for the non-transmitting heat resistant lining was to prevent direct iron heat transmission damage through the liner, while allowing indirect cooling by directing heat from the sole through the side heat release vents as explained in the first paragraph of the Summary of the Invention:

"...Attached to the padded bottom are a plurality of side flaps also covered by a heat resistant liner. ...Each side flap is separated and structured when folded about the iron to define side heat release vents therebetween to allow heat to escape from the cooling hot iron placed therein for storage."

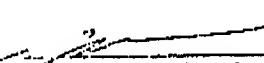
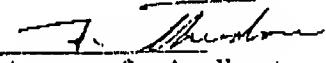
The invention of Claims 1 and 2, as amended, therefore requires the same non-transmitting heat resistant liner cover as is allowed Claims 3 through 7, as amended. It has a padded bottom segment shaped to cover and protect a sole of an iron placed thereon from marring or damage. It is structured with flaps to secure around the sole of an iron to prevent the heated sole of an iron from transmitting heat through the non-transmitting heat resistant liner to prevent heat damage to items stored along with hot irons, such as a travel irons, ski wax irons, pressing irons, steam irons, and the like.

The rejection of Claims 1 and 2, as amended, under 35 USC 102 as being anticipated by McBride, US Patent No. 3,121, 965 requires this prior art reference to show all features the

claim. The object of McBride is inapposite to Applicant's non-transmitting heat resistant cover. McBride discloses a "heat resistant" boot for a steam iron, which allows heat to pass therethrough (Col. 2, line 23) to aid in ironing and pressing of clothes. Its object is to employ a liner which is not damaged by a heated iron and uniformly transmits heat and steam through the boot, and prevent the discharge of foreign matter in the steam from staining garments being pressed or ironed. As such, it does not disclose the Applicant's invention of Claims 1 and 2 providing an iron cover with a non-transmitting heat resistant liner to prevent the heated sole of an iron from damaging items stored along with covered hot iron. As McBride does not disclose all of the elements of Claims 1 and 2, the 35 USC 102 rejection of Claim 1 is improper and should also be withdrawn.

In view of the formal drawing submittal and McBride's failure to disclose all of the elements of Claims 1 and 2; Claims 1 through 7, as amended, should therefore be approved for issuance. If additional amendments are required, a telephonic discussion with the Examiner is requested.

Dated this 1<sup>st</sup> day of May 2002.

   
Marcus G. Theodore, Attorney for Applicant  
Reg. No. 26,815  
466 South 500 East  
Salt Lake City, Utah 84102  
(801) 359-8622

#### CERTIFICATE OF FACSIMILE TRANSMISSION

I certify that I facsimile transmitted and mailed postage prepaid a true and correct copy of the foregoing Second Amendment to Examiner David T. Fidei on behalf of the Commissioner for Patents, Washington, D.C. 20231, at fax phone number (703) 872-9202, this 1<sup>st</sup> day of May 2002.

